

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RICK A. SLORP,

Plaintiff,

v.

Case No. 2:12-cv-498

Chief Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberly A. Jolson

LERNER, SAMPSON & ROTHFUSS, *et al.*

Defendants.

OPINION AND ORDER

This matter is before the Court on Plaintiff's Motion to Refuse Defendants Lerner, Sampson & Rothfuss, Shellie Hill, and Bank of America, N.A.'s Motions for Summary Judgment, or Alternatively, Grant Plaintiff Additional Time to Conduct Discovery ("Plaintiff's Rule 56(d) Motion"), filed on February 19, 2016. (ECF No. 83.) Plaintiff's motion responds to the Motions for Summary Judgment filed by Defendant Bank of America, N.A. ("BANA") on February 8, 2016 (ECF No. 76), and Defendants Lerner, Sampson & Rothfuss ("LSR") and Shellie Hill on February 9, 2016 (ECF No. 77.)

Plaintiff moves under Fed. R. Civ. P. 56(d), which provides:

If a non-movant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order.

Fed. R. Civ. P. 56(d).

In Plaintiff's properly supported motion, he asserts that he cannot present facts essential to justify his opposition because "there are numerous complex issues that require substantial discovery before this matter is heard before the Court. Further, a Motion to Compel the production of discovery from both BANA and LSR is pending. (ECF #82.)" (ECF No. 83, at 4.) Plaintiff's arguments are well taken.

The October 2, 2015, Pretrial Scheduling Order set a discovery deadline of March 31, 2016, and a deadline of April 30, 2016 for filing motions for summary judgment. (ECF No. 64.) Defendants have filed their Motions for Summary Judgment weeks prior to the close of discovery, and months prior to the deadline for filing summary judgment motions. The Court will permit Plaintiff the allocated time to conduct discovery.

Accordingly, the Court **GRANTS** Plaintiff's Rule 56(d) Motion (ECF No. 83) and **DENIES** without prejudice Defendants' Motions for Summary Judgment (ECF Nos. 76, 77.)

IT IS SO ORDERED.

2-24-2016
DATE


EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE